

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MIGUEL J. DESCARTES-LOYOLA

Plaintiff

vs

CIVIL 04-2190CCC

FUNDACION DAMAS, INC.
HOSPITAL DAMAS, INC.
DR. FRANCIS ZAYAS, his wife JUANA
ZAYAS and the legal conjugal partnership
existing between them;
DR. CARLOS VAZQUEZ-SANTIAGO, his
wife JUANA VAZQUEZ-SANTIAGO and
the legal conjugal partnership existing
between them;
DR. RAMON MERCADO, his wife JUANA
MERCADO and the legal conjugal
partnership existing between them;
DR. ANIBAL TORRES, his wife, JUAN
TORRES and the legal conjugal partnership
existing between them;
DR. FULANO DE TAL, his wife FULANA
DE TAL and the legal conjugal partnership
existing between them;
JOHN DOE, his wife JANE DOE, and the
legal conjugal partnership existing between
them;
CORPORATION XXX
PROFESSIONAL PARTNERSHIP YYY
INSURANCE COMPANIES DAMAS,
ZAYAS, VAZQUEZ-SANTIAGO,
MERCADO, TORRES, DE TAL, DOE XXX
and YYY

Defendants

O R D E R

Plaintiff's Motion Requesting Leave to File Amended (**docket entry 18**) is GRANTED. This action was previously dismissed for failure to serve within the term allowed and the order vacating the dismissal excluded the unidentified defendants.

Dr. Anibal R.Torres and his conjugal partnership's Motion Requesting Continuance of Trial set for April 4, 2006 (**docket entry 20**) due to their attorney's calendar conflict with Civil 04-1911(JAG) is DENIED. The docket shows that said trial has been reset for a later date, not in conflict with the trial setting in this case.

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Dr. Aníbal R.Torres' Motion of Disclosure Pursuant to Rule 26(a)(1) of the Rules of Federal Civil Procedure (**docket entry 22**) is NOTED.

Plaintiff's Disclosure Pursuant to Rule 26(a)(1) Fed. R. Civ. P. Motion (**docket entry 23**) is NOTED.

The motion informing of their disclosures entitled "Rule 26 (a)(1) of FRCP from Fundación Damas, Inc. and Hospital Damas, Inc." (**docket entry 24**) is NOTED.

Fundación Damas, Inc. and Hospital Damas, Inc.'s Motion for Leave to File Third Party Complaint (**docket entry 27**) is DENIED. Dr. Mercado was identified as a defendant in the original complaint and co-defendants Hospital Damas, Inc. and Fundación Damas, Inc., who were served on February 18, 2005, could have brought Dr. Mercado as a crossclaim defendant earlier, but failed to do so. To allow the third-party complaint and service of process on this individual, who purportedly lives in Spain, will cause perilous delays in the proceeding inasmuch as the pretrial/settlement conference is set for March 2, 2006 and the jury trial set for April 4, 2006. The Third Party Complaint (**docket entry 28**) is STRICKEN .

Fundación Damas, Inc. and Hospital Damas, Inc.'s Informative Motion (**docket entry 29**) is NOTED.

Fundación Damas, Inc. and Hospital Damas, Inc.'s Motion Submitting Exhibits (**docket entry 30**) is NOTED.

Plaintiff's Motion for Brief Extension of Time (**docket entry 31**) is GRANTED.

SO ORDERED.

At San Juan, Puerto Rico, on February 8, 2006.

S/CARMEN CONSUELO CEREZO
United States District Judge